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DECISION

Protest SUS-05-15
Campaigning on sick time

By email dated October 27, 2015, John Samuelsen, on behalf of the Stand United Slate, filed a protest alleging that Barry Roberts, a candidate for Vice-President on the Transport Workers United Slate, improperly campaigned on time paid for by an employer. In specific, SUS alleges that Roberts was campaigning during times when he had booked off sick. According to the Protester, this is a violation of the Election Rules that prohibit employers from making contributions to any campaign.

The witness for the Protester states that he saw Roberts at the Tuskegee Airmen Depot on October 26. Roberts was in the swing room for about an hour, talking to different people. He could not overhear what Roberts was saying but states that some (unnamed) members told him that Roberts was talking about running for office. According to the witness, he believes that there is a TA policy that when someone is on sick leave, they are not supposed to be on the property. He later found out that Roberts was on sick leave on October 26.

Roberts does not deny being at the Tuskegee Airmen Depot on October 26, but states that he was not campaigning. He had gone to meet a family member and to say hello to some friends. He had been out sick since falling at home in August and undergoing serious surgery on his leg. He used to work at that depot and friends were asking him about his leg and about how he was doing. He spoke to the Assistant General Manager for a few minutes, to the Vice-President of Buses, to the Chief Transportation Officer and to the Union Chairman at the Pick Room. He was not

campaigning and he does not know of any rule that bars him from TA property while he is out sick. The AGM told me that he spoke with Roberts that day, that he did not see him campaigning and that in his opinion, Roberts was not breaking any TA rule by being on the property.

I find that the Protester has not proven that Roberts was in fact campaigning at the depot on that day. Essentially the evidence was that Roberts was in the swing room for a short period of time and that Joe Campbell was there at the same time. I do not find that that is sufficient to prove that he was campaigning.

The protest is denied.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be filed in accordance with the procedure set forth in Article IV(6)(I)(1) of the Election Rules and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

/s/ Barbara C. Deinhardt

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By email:
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